



2143

ATTORNEY DOCKET NO.: FREI.P-049

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giotta  
Serial No.: 09/750,009  
Filing date: December 27, 2000  
Confirmation No.: 6616  
Title: Scaleable Message System

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PETITION TO MAKE SPECIAL

AUG 19 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Technology Center 2100

Sir:

Pursuant to 37 CFR section 1.102(c) and MPEP section 708.02 (III), applicant hereby petitions to make this application special.

Attached please find evidence showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. Attached as Exhibit A is a copy of a Doctors Certificate in German. Attached as Exhibit B is a copy of the English Translation of the Doctor's Certificate. Attached as Exhibit C is an e-mail message dated August 14, 2003.

Respectfully submitted,

OPPEDAHL &amp; LARSON LLP

  
Carl Oppedahl, PTO Reg. No. 32,746  
P.O. Box 5068  
Dillon, CO 80435-5068  
Tel: (970) 468-6600 Fax: (970) 468-0104

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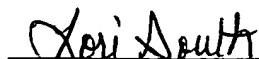
AUG 22 REC'D

TC 2100

## CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that the following: Petition to Make Special, Doctor's Certificate in German, English translation of Doctor's Certificate, and my Declaration under penalty of perjury are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 15, 2003.

Name: Lori South



Signature

8-15-03

Date of Signature

Für Sie zuständig:

Schadencenter Zürich, Badenerstrasse 694, 8048 Zürich

**Krankenkarte****Arbeitgeber**

Name: Softwired AG  
 Strasse: Technoparkstrasse 1  
 PLZ / Ort: 8008 Zürich

**Versicherte Person**

Name, Vorname: Giotta Paul  
 Geburtsdatum: 26.06.1964  
 AHV-Nr.: 397.84.288.216  
 Strasse: Brühlgartenstrasse 31

afax! amu  
 16. 4. 03  
 DN

1 am 17.8.03  
 4 am 24.6.03  
 2 am 14.7.03

**Allianz**   
 Suisse

Fax - NVA  
 043 466 07 81

Schaden-Nr.	Bild oder Bilden
Police-Nr.: 47.100631	
Versicherten-Gruppe:	Swiss Life
Telefon-Nr.: 01-445 23 70	

Adresse:	RECEIVED
Beruf: Software Ingenieur	AUG 19 2003
Zivilstand: verheiratet	
Nationalität: CH/USA	
PLZ / Ort: 8400 Winterthur	

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**Hinweis für den Erkrankten**

Wir bitten Sie, die Schadenummer – die auf jeder Zuschrift der Versicherung erwähnt ist – auf die Krankenkarte zu übertragen sowie bei Anfragen immer anzugeben.

Diese Krankenkarte bleibt während der Dauer der Genesung in Ihren Händen. Sie ist dem Arzt bei jedem Besuch vorzulegen und nach Abschluss der Behandlung dem Arbeitgeber abzugeben. Bei länger dauernder Arbeitsunfähigkeit sollten Sie uns die Karte monatlich oder auf unserer Verlangen einreichen, damit wir die Taggeldzahlung vornehmen können.

Diese Karte gilt nicht als Anerkennung einer Leistungspflicht.

Arztwechsel. Bei einem allfälligen Arztwechsel wenden Sie sich unverzüglich mit der Versicherung in Verbindung.

Eine Arbeitunfähigkeit wird durch den Arzt auf der Krankenkarte eingetragen. Toilarbeitsfähige haben die volle Arbeitszeit einzuhalten, es sei denn, der Arzt schreibt aus medizinischen Gründen etwas anderes vor.

Anspruch auf Taggeld aus der Kollektiv-Krankenversicherung besteht, wenn der Versicherte ganz oder teilweise ausserstande ist, seinen Beruf oder eine andere zumutbare Erwerbstätigkeit auszuüben.

**Bitte an den Arzt: Bei jeder Konsultation auszufüllen.**

Konsultation	Arbeitsunfähigkeit	
Datum	%	selt
16.4.03	100	31.1.03
17.5.03	"	"
24.6.03	"	"
14.7.03	"	"

Vor dem Arzt bei der Arbeitsaufnahme oder für Zwischenabrechnungen nach 30 Tagen auszufüllen.

Die versicherte Person war infolge Krankheit / Unfall (Nichtzutreffendes streichen):

arbeitsunfähig

100 % vom 31.1.03 bis inkl. 01.4.2003

... % vom ... bis inkl. ...

In Behandlung vom ... bis inkl. ...

Im Spital vom ... bis inkl. ...

Datum 16.4.03

Stempel und  
Unterschrift  
des Arztes:  
*E. Wild*

Dr. med. Th. Engstor  
FMH Innere Medizin  
Uindstrasse 40  
8400 Winterthur  
tel. 052 202 61 42

**Bitte an Arbeitgeber vor Weiterleitung an die Allianz Suisse**

Hat die versicherte Person die Arbeit aufgenommen? Ja  Nein  Wenn ja, wann?  
 Wenn nein, ist dem Arbeitnehmer eine neue Krankenkarte auszuhändigen.

Ort und Datum:

Bonstetten, 14. August 2003

Krankheitserfolge d. 4 - 10.01

Stempel und Unterschrift des Arbeitgebers:

Softwired AG  
8stationsstrasse 11  
8706 Bonstetten

*E. Wild*  
Geht an: Patient → Arzt → Arbeitgeber → Allianz Suisse



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Medical Card

Employer	Incident No.
Company Name: Softwired AG	Policy No.: 47.108631
Street: Technoparkstrasse 1	Insurance-Group:
Zip/City: 8005 Zuerich	Telephone No.: 01-445 23 70

Insured Person	Address
Last Name, First Name: Giotta Paul	Profession: Software Engineer
Date of Birth: 26.06.1964	Marital Status: Married
Social Security No. 397.64.288.216	Nationality: CH/USA
Street: Bruehlgartenstr. 31	Zip/City: 8400 Winterthur

Please forward to the doctor: Needs to be filled in on every consultation

Consultation	Work Incapacity	
Date	%	since
16.04.03	100	31.01.03
17.05.03	100	31.01.03
24.06.03	100	31.01.03
14.07.03	100	31.01.03

Due to a medical condition / accident the insured person has been (delete as applicable):

incapable of working

100 % from 31.01.03 until incl. until further notice

\_\_\_\_ % from \_\_\_\_\_ until incl. \_\_\_\_\_

under medical treatment from \_\_\_\_\_ until incl. \_\_\_\_\_

in hospital from \_\_\_\_\_ until incl. \_\_\_\_\_

Date **16.04.03**

Stamp and Doctor's Signature

**Dr. med. Th. Eggster**  
**FMH Innere Medizin (Internal Medicine)**

Lindstrasse 40  
8400 Winterthur  
Tel. 052 202 61 42

To be filled in by the doctor either on the first consultation or for the purpose of interim billing every 30 days.

Exhibit B

To: lsouth@patents.com  
CC: Henry Wild <henry.wild@softwired-inc.com>  
Subject: Re: Our File No. FREI.P-049 / Your Ref: P1783 US / Petition



Dear Ms. South

My name is Brigitte, I am the assistant to Dr. Henry Wild, CEO at Softwired. He asked me to send you an English translation of the Medical Certificate for Mr. Paul Giotta, which you will find attached. Neither did I translate the two paragraphs ("Hinweis fuer den Erkrankten") in the middle of the report, as they give only the instructions on how to fill in the form, nor the last section right at the bottom ("Bitte an Arbeitgeber vor..."), as this is only a verification signature from the employer.

Further, please note that **Allianz Suisse** is Softwired's insurance company, this certificate confirms a medical condition for which they are paying a monthly amount to Mr. Paul Giotta. Under Swiss Privacy Laws, it is illegal to put the exact medical condition of the person. We can confirm that Mr. Paul Giotta is under chemotherapy treatment and has been on medical leave currently non-permanent since the end of January 2003.

Coincidentally we have just received the updated Medical Certificate from the doctor today, confirming Mr. Giotta's grave health impairment. I will send this ongoing report to you by fax.

Please do not hesitate to contact either myself or Henry on the Swiss number listed below, if you require further assistance.

Kind regards,  
Brigitte

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Henry WILD wrote:  
Dear Lori

I will have a translation by my assistant and perhaps additional update by tomorrow close of business CET on 14/08/2003/

Best regards

Henry Wild

---- Original Message ----

From: "Lori South" <lsouth@patents.com>  
To: <henry.wild@freesurf.ch>  
Cc: <carl@patents.com>  
Sent: Wednesday, August 13, 2003 7:40 PM  
Subject: Our File No. FREI.P-049 / Your Ref: P1783 US / Petition

> Dear Mr. Wild:  
>  
> Mr. Oppedahl asked me to write to let you know that we are working on the  
> Petition to Make Special regarding the above-referenced file. We are in  
> need of an English translation of the Medical Certificate for Mr.  
> Giotta. Please let us know if you want us to order the translation or if  
> you want to get the translation and forward it to us. We look forward to  
> hearing from you.  
>  
> Sincerely,  
> Lori South  
>  
>

--  
Brigitte Bader  
Administrative Assistant  
[brigitte.bader@softwired-inc.com](mailto:brigitte.bader@softwired-inc.com)

Softwired AG, Stationsstrasse 11, 8906 Bonstetten, Switzerland  
Phone +41 43 466 0787 | Fax +41 43 466 0791 | <http://www.softwired-inc.com>

- \* Next stop UBIQUITY!
- \* Go Mobile: iBus//Mobile 3.1 (including MMS, OTA Provisioning)
- \* Hayabooza! Softwired's Wireless Java Platform for Interactive Portals
- \* More news: <http://www.softwired-inc.com/>



Medical Certificate Paul Giotta.doc



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**DECLARATION**

I, Lori South, under penalty of perjury, attest that attached as exhibits A, B, and C are true and correct copies of documents received from Brigitte Bader with Softwired AG via e-mail and facsimile on August 14, 2003.

Lori South

Lori South

August 15, 2003

Date